

## **REMARKS**

The present application is directed to aromatic-based silyl monomers capable of polymerization alone or copolymerization with other monomers to form polymeric compositions having desirable physical characteristics and refractive indices useful in the manufacture of biocompatible ophthalmic devices.

Claims 2-5, 7-9, 15-18 and 20-23 have been amended without the addition of new subject matter to include the limitations of claim 1, to more clearly define the present invention and to correct typographical errors. Support for the amendments to claims 2-5, 7-9, 15-18 and 20-23 may be found on pages 6 and 7, paragraph [0016] and page 8, paragraph [0017], as well as other locations throughout the specification.

Claims 2-5, 7-9 and 15-24 stand under objection because of informalities. Applicants respectfully traverse the objection of claims 2-5, 7-9 and 15-24. Claims 2-5, 7-9 and 15-24 as now amended include the limitations of claim 1. Likewise, any typographical errors have been corrected. Accordingly, the objection to claims 2-5, 7-9 and 15-24 is no longer appropriate. Withdrawal of the objection to claims 2-5, 7-9 and 15-24 is respectfully requested.

Claims 7-9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse the rejection of claims 7-9 under 35 U.S.C. 112, second paragraph. Claims 7-9 as now amended no longer claim a process without setting forth steps, and the typographical error of claim 8 has been corrected. Accordingly, the rejection of claims 7-9 is no longer appropriate. Withdrawal of the rejection of claims 7-9 under 35 U.S.C. 112, second paragraph, is thereby respectfully requested.

Claims 2, 3, 5, 20, 21, 23 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sakakibara, Japan Publication Number 07-098441 (hereinafter "SAKAKIBARA-441").

Applicants respectfully traverse the rejection of claims 2, 3, 5, 20, 21, 23 and 24 under 35 U.S.C. 102(b). SAKAKIBARA-441 discloses a polymeric composition produced through the polymerization of triphenylvinylsilane, a monomer of formula 1 and a third monomer. The third monomer can be an aromatic or non-aromatic non-siloxy based monomer.

To the contrary, the polymeric compositions of the present invention are produced through the polymerization of one or more aromatic-based silyl monomers having a structure defined in the subject claims. The monomer structure defined in the subject claims require an "X" group between a silyl moiety and a polymerizable group. SAKAKIBARA-441 does not disclose such a monomer or the use thereof. Rather, SAKAKIBARA-441 discloses the addition of triphenylvinylsilane as a monomer to improve refractive index. Accordingly, the subject polymeric compositions as disclosed and claimed differ from those of the SAKAIBARA-441 publication. The rejection of claims 2, 3, 5, 20, 21, 23 and 24 is thereby inappropriate. Withdrawal of the rejection of claims 2, 3, 5, 20, 21, 23 and 24 is respectfully requested.

Claims 2, 3, 5, 20, 21, 23 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sakakibara, Japan Publication Number 07-097410 (hereinafter "SAKAKIBARA-410").

Applicants respectfully traverse the rejection of claims 2, 3, 5, 20, 21, 23 and 24 under 35 U.S.C. 102(b). SAKAKIBARA-410 discloses a polymeric composition produced through the polymerization of triphenylvinylsilane or diphenylvinylsilane, with two different radical-polymerizable monomers.

To the contrary, the polymeric compositions of the present invention are produced through the polymerization of one or more aromatic-based silyl monomers having a structure defined in the subject claims. The monomer structure defined in the subject claims require an "X" group between a silyl moiety and a polymerizable group. SAKAKIBARA-410 does not disclose such a monomer or the use thereof. Rather, SAKAKIBARA-410 discloses the addition of triphenylvinylsilane or diphenylvinylsilane as a monomer to be copolymerized with two different radical-polymerizable monomers to produce a homopolymer with a refractive index of 1.55 or above. Accordingly, the subject polymeric compositions as disclosed and claimed differ from those of the SAKAIBARA-410 publication. The rejection of claims 2, 3, 5, 20, 21, 23 and 24 is thereby inappropriate. Withdrawal of the rejection of claims 2, 3, 5, 20, 21, 23 and 24 is respectfully requested.

Claims 2-5, 7-9 and 15-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi, U.S. Patent Number 4,594,401 (hereinafter "TAKAHASHI").

Applicants respectfully traverse the rejection of claims 2-5, 7-9 and 15-24 under 35 U.S.C. 102(b). TAKAHASHI discloses a polymeric composition produced through the polymerization of trimethylsilylstyrene and an aromatic or non-aromatic non-siloxy-based monomer of hydrophilic monomers.

To the contrary, the polymeric compositions of the present invention are produced through the polymerization of one or more aromatic-based silyl monomers having a structure defined in the subject claims. The monomer structure defined in the subject claims require an "X" group between a silyl moiety and a polymerizable group. TAKAHASHI does not disclose such a monomer or the use thereof. Rather, TAKAHASHI discloses the addition of

trimethylsilylstyrene as a monomer to be copolymerized with hydrophilic monomers. Accordingly, the subject polymeric compositions as disclosed and claimed differ from those patented by TAKAHASHI. The rejection of claims 2-5, 7-9 and 15-24 is thereby inappropriate. Withdrawal of the rejection of claims 2-5, 7-9 and 15-24 is respectfully requested.

Claims 2, 3, 5, 7, 15, 16, 18-21, 23 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Uchida, U.S. Patent Number 4,742,136 (hereinafter "UCHIDA").

Applicants respectfully traverse the rejection of claims 2, 3, 5, 7, 15, 16, 18-21, 23 and 24 under 35 U.S.C. 102(b). UCHIDA discloses a polymeric composition produced through the polymerization of a triphenylsilyl-based monomer and one or more comonomers.

To the contrary, the polymeric compositions of the present invention are produced through the polymerization of one or more aromatic-based silyl monomers having a structure defined in the subject claims. The monomer structure defined in the subject claims require at least one non-phenyl R<sub>1</sub> group. UCHIDA does not disclose such a monomer or the use thereof. Rather, UCHIDA discloses the polymerization of only triphenylsilyl-based monomers with one or more comonomers. Accordingly, the subject polymeric compositions as disclosed and claimed differ from the patented monomers of UCHIDA. The rejection of claims 2, 3, 5, 7, 15, 16, 18-21, 23 and 24 is thereby inappropriate. Withdrawal of the rejection of claims 2, 3, 5, 7, 15, 16, 18-21, 23 and 24 is respectfully requested.

Applicants thank Examiner Peng for noting that the "X" references cited in the international search report do not teach or fairly suggest a polymeric composition comprising an aromatic-based silyl monomer.

Based upon the above amendments to the claims and remarks provided herein, applicants believe pending claims 2-5, 7-9 and 15-24 to be allowable. Allowance of pending claims 2-5, 7-9 and 15-24 is therefore respectfully requested.

Should there be any questions regarding this communication, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,



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